

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRY J. SELLERS,)	
)	
Petitioner,)	8:15CV192
)	
V.)	
)	
SCOTT FRAKES, Director of the)	MEMORANDUM
Nebraska Department of Corrections,)	AND ORDER
and STATE OF NEBRASKA,)	
)	
Respondents.)	
)	

Petitioner filed a Notice of Appeal (Filing No. [22](#)) on July 8, 2016. Petitioner appeals from the court's Memorandum and Order dated April 29, 2016 (Filing No. [18](#)), as well as the court's Memorandum and Order dated June 6, 2016 (Filing No. [21](#)).

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . .

The court finds that because Petitioner proceeded in forma pauperis in the district court, he may now proceed on appeal in forma pauperis without further

authorization.

IT IS THEREFORE ORDERED that: Petitioner may proceed in forma pauperis on appeal. The clerk of the court shall provide the Eighth Circuit Court of Appeals with a copy of this order.

DATED this 14th day of July, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge